

CIVIL NO. 1:05CV324

Defendant.

ORDER

On December 16, 2005, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding Defendant's

motion to dismiss. On December 29, 2005, the Plaintiff filed general objections to the Magistrate Judge's recommendations; the Defendant later filed a response to those objections on January 5, 2006.

A party may file written objections to a magistrate judge's memorandum and recommendation within ten days after being served with a copy thereof. **28 U.S.C. § 636(b)(1)**. "Parties filing objections must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court." ***Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987)**. If proper objections are made, a district court reviews the objections under a *de novo* standard. **28 U.S.C. § 636(b)(1)**. Where no objection is made, the court need "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." ***Diamond v. Colonial Life*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72. Advisory Committee note)**.

Plaintiff states that he "objects to [the Magistrate Judge's] findings and recommendations regarding [his] forth (sic) and fifth causes of action." **Plaintiff's Objections, filed December 29, 2005**. Because the Plaintiff has not set forth specific objections to the Magistrate Judge's

Recommendations, “the district court’s attention is not focused on any specific issues for review, thereby making the initial reference to the magistrate useless.” **Howard v. Sec’y of HHS, 932 F.2d 505, 509 (6th Cir. 1991).** A *de novo* review is unnecessary “when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” **Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).** Therefore, Plaintiff’s general objection to the Magistrate Judge’s findings and recommendations is afforded no weight and a careful review will be given to the Memorandum and Recommendation to which no specific objections were filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Plaintiff’s claims three through seven be dismissed and that the claims for punitive damages and attorney fees be included in the Complaint’s prayer for relief.

IT IS, THEREFORE, ORDERED that the Defendant’s motion to dismiss is **ALLOWED**, and the Plaintiff’s claims for failure to properly

supervise, civil conspiracy, intentional and negligent infliction of emotional distress, punitive damages and attorney fees are hereby **DISMISSED**.

IT IS FURTHER ORDERED that the Plaintiff's request for punitive damages and attorney fees be incorporated into the prayer for relief contained in the Complaint.

IT IS FURTHER ORDERED that the parties meet and confer pursuant to this Court's Local Rule 16.1 and file a certification of initial attorneys' conference on or before January 31, 2006.

Signed: January 18, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

